

El Rio Arriba Environmental
Health Association
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Exhibit #92
Citizens for LANL Employee Right

November 7, 2001

Mr. Steven Cary, Acting Administrator
c/o Ms. Loretta Young
Office of Advocacy
EH-8
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

DOCKET: Physicians Panel Proposed Rule

Dear Mr. Cary:

We campaigned in New Mexico for the Energy Employees Occupational Illness Compensation Act (EEOICAct) and are deeply dismayed by the Department of Energy's proposed Physicians Panel Rule (Federal Register, 66(174): 46742, September 7, 2001). If allowed to take effect in its current form, the rule would consummate a bait-and-switch fraud on Los Alamos workers affected by toxic chemicals, and their families.

It fails to deliver on the deal we thought our Senator Jeff Bingaman won from Congress last year.

Many of us were deprived of our best wage-earning years by the medicolegal trickery of UC-LANL managers, doctors and attorneys. UC-LANL's overriding aim was to try to beat workers' compensation claims for occupational illnesses. Throughout this letter we cite our experiences, identifying individuals with our initials in parentheses. William J. Van Buskirk (W.J.V.B), who has struggled with chronic beryllium disease for more than 30 years, has appended his individual experiences with UC-LANL and New Mexico Workers' Compensation to this letter (see Appendix). Also note that the fear of retaliation by UC-LANL can persist even into retirement: one signee prefers to be listed as "Anon." The letter is also co-signed by several supporters.

"Other toxic chemicals" are a big issue at Los Alamos. Attached is a tabular summary of annual chemical usage published by LANL in 1980 (see Appendix). Major quantities of toxic substances were used throughout the 1970's, and are still in use today. We represent the human casualties.

UC Testimony on October 10

Before delineating our concerns with the proposed Physicians Panel Rule, we must voice our complete and utter disgust with the testimony of Dr. Peter Litchy(1) of the

University of California (UC) at the public hearing in Washington, D.C. on October 10. Dr. Litchy asserted that "workers get reasonable and necessary medical treatment for their occupational illnesses, [so] they do not find it necessary to litigate." This is wishful thinking at best. At worst, it's a damnable lie.

The "few toxic substances workers' compensation claims [that] go to hearing or trial" is *not* because of "satisfied workers," as Dr. Litchy claims. The actual reasons why workers at LANL don't litigate are:

1. Injured workers, who have typically been out of work for months, have had almost no financial resources with which to litigate.
2. UC has had essentially limitless financial resources to litigate, because their costs have been reimbursed by DOE. It is widely perceived in northern New Mexico that LANL will "spend a million dollars to fight a \$10,000 claim." Actual data on dollar amounts are not public information. But this public perception is based on many families' bitter struggles for workers' compensation benefits. Its net effect is to discourage potential litigants from entering the fray.
3. At LANL, UC pursues various strategies which sometimes do include "reasonable and necessary medical treatment," but *never* include informing workers of their legal rights. For example, over the course of a few years, one of us (Anon), received decent medical care from LANL Occupational Medicine (ESH-2). But UC personnel never revealed that the statute of limitations for filing an indemnity claim had started ticking. When I (Anon) did file, the claim was denied by the New Mexico Workers Compensation Administration (NM WCA) because the statute of limitations had, unbeknownst to me, run out.

In another case, I (A.L.S.) was diagnosed along with two of my co-workers with mercury poisoning in 1948 by the renowned Dr. Harriet L. Hardy, who just happened to be spending one year at Los Alamos. After Dr. Hardy left, UC-LANL completely ignored us as far as treatment, advice, monitoring and check-up were concerned. I have suffered neurological problems which are consistent with the long-term effects of mercury. Only recently have I been able to obtain partial documentation of this mercury poisoning episode -- no thanks to UC-LANL.

4. UC-LANL medical personnel are not above destroying or ignoring evidence which workers might use to litigate. Evidence of radiation-induced skin burns was unexplainedly removed from a worker's (Anon) medical records in LANL ESH-2. In a case of chronic beryllium disease, LANL doctors ignored x-ray evidence of the disease when it appeared on x-rays in 1962. Because an independent diagnosis was not made until 1971, I (W.J.V.B.) lost more than nine years of medical treatment for an insidious, latent, progressive, debilitating, and sometimes fatal industrial disease.

5. Workers' compensation legal practice in New Mexico is a wretched backwater. There are few competent attorneys who are willing to challenge UC-LANL, due to its

"deep pockets" -- courtesy of DOE's reimbursement policy. One of us (B.O.) was defrauded by an attorney who is now "on the lam" in Florida or New York. Despite unambiguous diagnoses of chronic illnesses due to solvent exposure at LANL, made by a nationally recognized occupational medicine expert, I (B.O.) have never received a dime of workers' compensation. I was "medically terminated" by LANL in 1989.

While my (W.J.V.B.) case was pending, the state workers' compensation act was quietly amended to include berylliosis -- with a statute of limitations. UC-LANL and their insurer then refused to waive the statute of limitations. Under duress, I was forced to settle my case for just 10% of my expected income to age 65.

6. People who fight for job-related rights at LANL are frequently labeled "head cases." This is a most insidious form of retaliation. Injured workers are required to see in-house psychologists or consulting psychiatrists, paid by UC-LANL. Legitimate anger over suspension without pay, denial of benefits or other infringements of legal rights is pathologized. The individual is stigmatized as a "head case." When one of us (B.O.) was suffering from the neurotoxic effects of solvents, a LANL psychologist in the Human Resources department suggested that I was "practicing witchcraft" at home.

Dr. Litchy sees "no benefit to trying to influence case outcomes under the current system" by the mechanism of Physician Panels. But the real issue is, "*Benefit, to whom?*" Granted, UC won't reap benefits. In fact, we expect that some of the decisions rendered by the Physicians Panels will expose to public view the incompetence of some of UC-LANL's company doctors, who have hidden their errors under the cloak of LANL's scientific renown. However, the Physicians Panels' influence might well be used to ensure that *workers and their families* receive their deserved workers' compensation benefits. That's why we pushed our elected officials, including Senator Bingaman, to create the Physician Panels.

Dr. Litchy also defended the "University's right to evaluate" workers' compensation claims. Although New Mexico law may recognize such a technical function, we believe that UC-LANL long ago forfeited its moral right to do so. By abusing its financial, legal and political resources in New Mexico, UC-LANL has cynically snuffed out "due process."

Finally, Dr. Litchy professes concern for the interests of taxpayers. Our campaign in New Mexico for the EEOICAct enjoyed widespread support from state, municipal and county officials, news media, labor unions, environmentalists, public health professionals, and lay citizens. This is because nearly everyone in northern New Mexico knows a family whose dreams went down the drain as a result of work-related illness at LANL. The costs were forced onto families, Medicare, the welfare rolls, and the "indigent funds" of local hospitals -- paid for by the very taxpayers whose interests Dr. Litchy professes to defend.

Dr. Litchy's proposal to preserve the status quo would continue to dump the costs of occupational illnesses at LANL onto the taxpayers of New Mexico. Only when UC-LANL is forced to pay the full medical and social costs of workplace illnesses will they have a

financial incentive to make the workplace safe and healthy. To Dr. Litchy's concern with costs, we say: "Eat it. And swallow hard." Internalizing the costs will make UC-LANL and DOE safer and healthier in the long run.

We also say "Cough it up." The millions of dollars of taxpayers' monies which UC-LANL has squandered on legal expenses in fighting claims could be better spent on paying out claims. DOE should simply reimburse workers' compensation claims for "other toxic chemicals" through its contract with UC-LANL. If budgets are tight, then take the money out of the UC-LANL lawyers' war chest.

Deny UC Request for An Exemption

Dr. Litchy's testimony comes very close to requesting an exemption from the Physicians Panel Rule for UC labs in New Mexico and California. We have it on good authority that the UC entourage directly lobbied you, Mr. Cary, for an exemption.

It is precisely because of UC's chronic scofflaw behavior that many of us came together to campaign for the EEOICAct. ***Do not grant UC an exemption from the Physicians Panel Rule or any other part of the law.*** Cold War era workers, whose sacrifices helped preserve our American way of life, simply ask that UC-LANL itself submit to the rule of law. If you cave-in to UC's request, we will make DOE's life very difficult with Congressional investigations and interventions, and a flood of negative publicity.

It has come to our attention(2) that LANL's lawyers are already attempting to negotiate a separate "algorithm" for determining compensability, as part of the Johns Hopkins Medical Surveillance Program. Professionals who abet UC with alternative, scofflaw mechanisms will also be held publicly accountable.

The Physicians Panels Should Be Empowered to Review Any Claim for Occupational Illness Related to Toxic Substances -- Not Just Those Which Meet the Eligibility Criteria of New Mexico Workers' Compensation

New Mexico workers' compensation is a nightmare for occupational illness claimants. Potential claimants face a gauntlet of unfair obstacles and injustices in state law. The New Mexico Occupational Disease Disablement Act covers only diseases which are "peculiar to the occupation." Thus, a disease which is common in the general work population is not considered occupational.(3)

Some of the commonest occupational illnesses are subjected to antiquated, ludicrous provisions in state law. For asbestosis, a worker must demonstrate that s/he was "exposed...for a total period of no less than twelve hundred fifty work [1,250] shifts in employment in this state." In addition, disablement must occur "within two years from the last day upon which the employee actually worked for the employer against whom compensation is claimed."(4)

These requirements fly in the face of the past 20 years of science on occupational asbestosis. As little as several months' exposure can cause asbestosis.(5) And the disease generally takes a minimum of 10 years to develop.(6)

The Physicians Panels must have wide purview to review cases which do not meet the absurdly narrow eligibility criteria of New Mexico workers' compensation.

There are also many practical, *de facto* obstacles and injustices. According to a treatise on New Mexico workers' compensation law, in cases of occupational disease, workers are often "in a position where expenses to retain an expert will have to be paid up front."(3) Imagine having to do this after months or years of being out of work, with the not-so-bright hope of winning benefits which are known to be inadequate for workers with long-term disabilities.(7) The Physicians Panels need to have the widest possible purview to help alleviate this financial obstacle to workers' access to experts.

In addition, NM WCA hearings are held at inconvenient locations,(7) which poses a great hardship for people who are ill. New Mexico is a sparsely populated rural state. Driving distances are great. Involving the Department of Labor's Resource Center in Espanola, New Mexico in as many toxic substance cases as possible will, to some small degree, help to alleviate this serious problem for LANL workers and their families.

The only criterion for review by a Physician's Panel should be a history of employment at a covered facility.

Independent Occupational Medical Experts, Whose Potential Conflicts of Interest Are Disclosed, Are Sorely Needed

The political power of LANL within the State of New Mexico is a serious obstacle to workers and families obtaining independent occupational medicine services. In cases of occupational illness, the injured worker is typically referred to a variety of specialists, only to discover that LANL has already entered into financial relationships (i.e., "consulting") with many of these in-state doctors. In one recent case, a worker who incurred serious lung damage as a result of a nitric acid spill was told by an in-state doctor, with financial ties to LANL, that his chronic cough was due to pre-existing acid reflux disease. It took a thorough work-up by experts at National Jewish Medical Respiratory Center in Denver to lay this shill issue to rest. He is now undergoing treatment for the occupational diagnosis made by doctors in Denver: bronchiolitis obliterans, a life-threatening condition caused by acute inhalation of strong irritants, like nitric acid.(8)

LANL workers with known or suspected occupational illnesses are in dire need of independent, competent medical expertise. While the Johns Hopkins Medical Surveillance Program is a first step, it is important to note that *current* LANL workers (including the nitric acid case cited above) are not eligible. We were counting on a well-crafted Physicians Panel Rule to help alleviate this problem.

Section 852.14 does not go far enough. Mere reporting of potential conflicts of interest to the Program Office is not sufficient. The rule should provide for public disclosure of potential conflicts of interest.

Sections 852.4 and 852.9 Need to Be Strengthened to Improve Access to Exposure Records Which are in the Possession of Contractors

Section 852.4 lists the information and materials claimants must submit as part of an application for review and assistance. As noted above, we believe the only criterion for review by a Physicians Panel should be a history of employment at a covered facility. Nevertheless, we recognize that each individual will have to assemble pertinent records.

Claimants may have reliable information about exposure records which, although not in their personal possession, are critical to evaluating medical causation. These records will often be in the possession of the contractor.

For example, a non-classified vault at TA-35 at LANL contains the historical Occurrence Reports Collection. It covers the time period from the Lab's founding in the early 1940's until c. 1990 when occurrence reporting went on-line. For Cold War era workers who are suffering from chronic illnesses which they believe to be work-related, the historical Occurrence Reports Collection is potentially a powerful information resource for documenting past occupational exposures.

From 1971 to 1980 there were several hundred spills, accidents, mishaps, incidents and other "occurrences" documented in the LANL historical Occurrence Reports Collection (see "Figure" in Appendix). The overwhelming majority involved only worker exposures. Hence, these reports are unlikely to be released to the public under the Centers for Disease Control's Phase I documents discovery project, which focuses on off-site releases from LANL.

Two sample occurrence reports are attached in the Appendix. Names have been blocked out to protect personal privacy. These two occurrences happen to involve radioactive materials; however, there are documents in the Occurrence Reports Collection which involve "other toxic chemicals." Obviously, this kind of historical individual exposure information can be very helpful to ill workers who are trying to establish the work-relatedness of their illnesses. Most occurrence reports contain individual identifiers (names and Z-numbers).

To our knowledge, this paper Collection has not yet been digitized, so it is not easy to perform searches by individuals' names or Z-numbers. When one of us (K.S.) last used the Collection in 1998 there wasn't even a paper index or finding aid.

Importantly, many of the reports in the Collection contain work area sampling data which is not tied to any particular individual. Area sampling data can be critical to

evaluating the work-relatedness of chronic health conditions in workers whose job histories place them in the work area.

Workers should have an affirmative right under Section 852.4 to direct DOE and/or the contractor to perform a search for relevant documents which will then be provided to the worker for inclusion in his/her case file. The "signed release" under Section 853.4(c) is not sufficient. It presumes that the Program Office has complete knowledge about where to look. In reality, the Program Office staff will always have to rely on workers for leads. Many workers are able to recall fragmentary information about pertinent records series, the names of industrial hygienists and health physicists, work areas and approximate dates of exposure-related incidents which can provide useful leads to exposure records. But workers lack a simple mechanism by which their recollections can be used to obtain historical documents. Requests for LANL records under the Privacy Act and the Freedom of Information Act can take six months to process, even when precise details such as date, title and shelf location are provided.(9) The Physicians Panel Rule should create a more workable mechanism to assist workers.

Moreover, Section 853.4(c) refers to records "under the control of DOE." It is unclear whether this would cover the all-important historical Occurrence Reports Collection at LANL. DOE-Albuquerque's responsiveness to a Freedom of Information Act request for copies of environmental occurrence reports(10) implies that DOE is indeed the "owner" of the Collection. However, because the Collection is locked in a non-classified vault in a division (ESH-12) which is staffed by UC employees, it is arguably not under DOE's "control." Thus, Section 853.4(c) might fail to reach one of the most important record series pertaining to historical exposures at LANL.

We propose a Section 852.4(f) which elicits from claimants descriptions or titles of pertinent contractor record series, approximate dates, work areas and materials involved in exposure-related incidents. This section should also create an affirmative duty on the Program Office and the contractor to search and retrieve pertinent exposure-related documentation and provide copies to the claimant.

Similarly, Section 852.9 should empower the Physicians Panels to gain access to historical exposure-related record series that are in the possession of contractors. As they gain experience in reviewing case files, physician-panelists will become familiar with the most useful record series for evaluating individuals' past job exposures. They will be able to identify data gaps in workers' case files which might then be filled by conscientious record searches. Section 852.9(e) which refers to "other needed information or materials" is too broadly worded to be effective, given the decades-old administrative and legal controversy over access to contractors' records for use in contemporary environmental and occupational health projects. A duty to produce the historical exposure records should be placed on the contractors, instead of placing it wholly on the Program Office.

Uniform Federal Regulations Are the Only Fair Approach

New Mexico is a largely rural, non-industrialized state. Our attorneys, judges and labor advocates have long been outgunned by the Lab's lawyers and scientists on issues of medical causation. As illustrated above for asbestosis, New Mexico workers' compensation has not kept pace with established research findings (let alone current intelligence) in occupational medicine.

The whole point of the EEOIC Act was to alleviate this historic imbalance by creating uniform federal regulations for evaluating causation. Congress may have balked at underwriting \$150,000 payments for "other toxic chemicals." But Congressional intent was clearly to circumvent nightmarish systems like New Mexico workers' compensation in the special case of nuclear weapons workers.

Public Hearing

Finally, we request that you hold a public hearing in Espanola, New Mexico on the proposed Physicians Panel rule.

Sincerely,

CURRENT AND FORMER LOS ALAMOS EMPLOYEES

*Ben Ortiz

Reactive airways disease, multiple chemical sensitivity, and solvent encephalopathy from 20 years' exposure to chemicals at UC-LANL. "Medically terminated" in 1989.

William J. Van Buskirk

Chronic beryllium disease and silicosis. Prototype machinist at UC Los Alamos 1943 to 1979

Anon

21 years' exposure to toxic chemicals and transuranics at UC-LANL. Multiple chemical sensitivity. Medical retirement 1996.

Chris Mechels

Retired LANL (1994)
Past Vice President, Citizens for LANL
Employee Rights

Alex L. Smith

Mercury poisoned 1948. Retired from UC-LANL 1982.

Jerry Leyba

Board Member, University Professional and Technical Employees, Local 1663, CWA-AFL-CIO

COMMUNITY AND PUBLIC HEALTH PROFESSIONALS

Elaine Montano, RN, BSN

20 years in Los Alamos Health Care

*Ken Silver, SM

Environmental Health Consultant

Hilario Romero

27 years in community education and outreach in northern New Mexico

Anabelle G. Mora, BSN, CCM, CNSI

18 years in rural nursing in northern New Mexico

SUPPORTING ORGANIZATIONS

Citizens for LANL Employee Rights

El Rio Arriba Environmental Health Association

*Individuals to whom correspondence should be addressed c/o El RAEHA

cc: Senator Jeff Bingaman
Congressman Tom Udall
Senator Pete Domenici
Congresswoman Heather Wilson

REFERENCES

1. Litchy P. University of California, Office of the President, Testimony on Proposed Rule 10 CFR 852 "Guidelines for Physicians Panel Determinations on Worker Requests for Assistance in Filing for State Workers' Compensation Benefits." Public Hearing. Washington, D.C.; 2001. p. 4.
2. Mulloy KB, Schwartz B. Former Workers Program at Los Alamos National Laboratory. American Public Health Association; 2001 October 26; Atlanta, GA; 2001. p. 11.
3. Martinez CG. Occupational Disease Disablement Law. Chapter 17. In: Martinez CG, editor. New Mexico Workers' Compensation Manual. Carlsbad, California: Butterworth Legal Publishers; 1994. p. 16.
4. Occupational Disease Disablement Act. In: New Mexico Statutes; 1991.
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6. Kilburn KH. Asbestos and other fibers. Chapter 19. In: Wallace RB, Doebbeling BN, editors. Public Health and Preventive Medicine. Stamford, CT: Appleton-Lange; 1998. p. 459-474.
7. Sandoval L, Rivera RD, Hise TJG, Eyer E, Krogman WL, Kuykendall M, et al. Annual Report for 2000. Albuquerque: Advisory Council on Workers' Compensation and Occupational Disease Disablement; 2000.
8. Schlesinger RB. Nitrogen dioxide/nitric oxide. Chapter 40. In: Rom WN, editor. Environmental and Occupational Medicine. Philadelphia: Lippincott-Raven; 1998. p. 618-629.
9. Kenneth Silver v. United States Department of Energy. Complaint for Declaratory and Injunctive Relief, CIV 01-136 DJS. United States District Court for the District of New Mexico; 2001.
10. Loughhead TL. Response to Freedom of Information Act Request No.125-A. Silver K. Albuquerque, New Mexico: U.S. Department of Energy; 2001.

Appendix

11-6-01

PAGE

EMPLOYED BY U.O.F.C. AT LOS ALAMOS N.M. AS A PROTOTYPE MACHINIST FROM 12-6-43 TO 7-10-79 THEN PLACED ON DISABILITY RETIREMENT WITH CALIF. PERS.

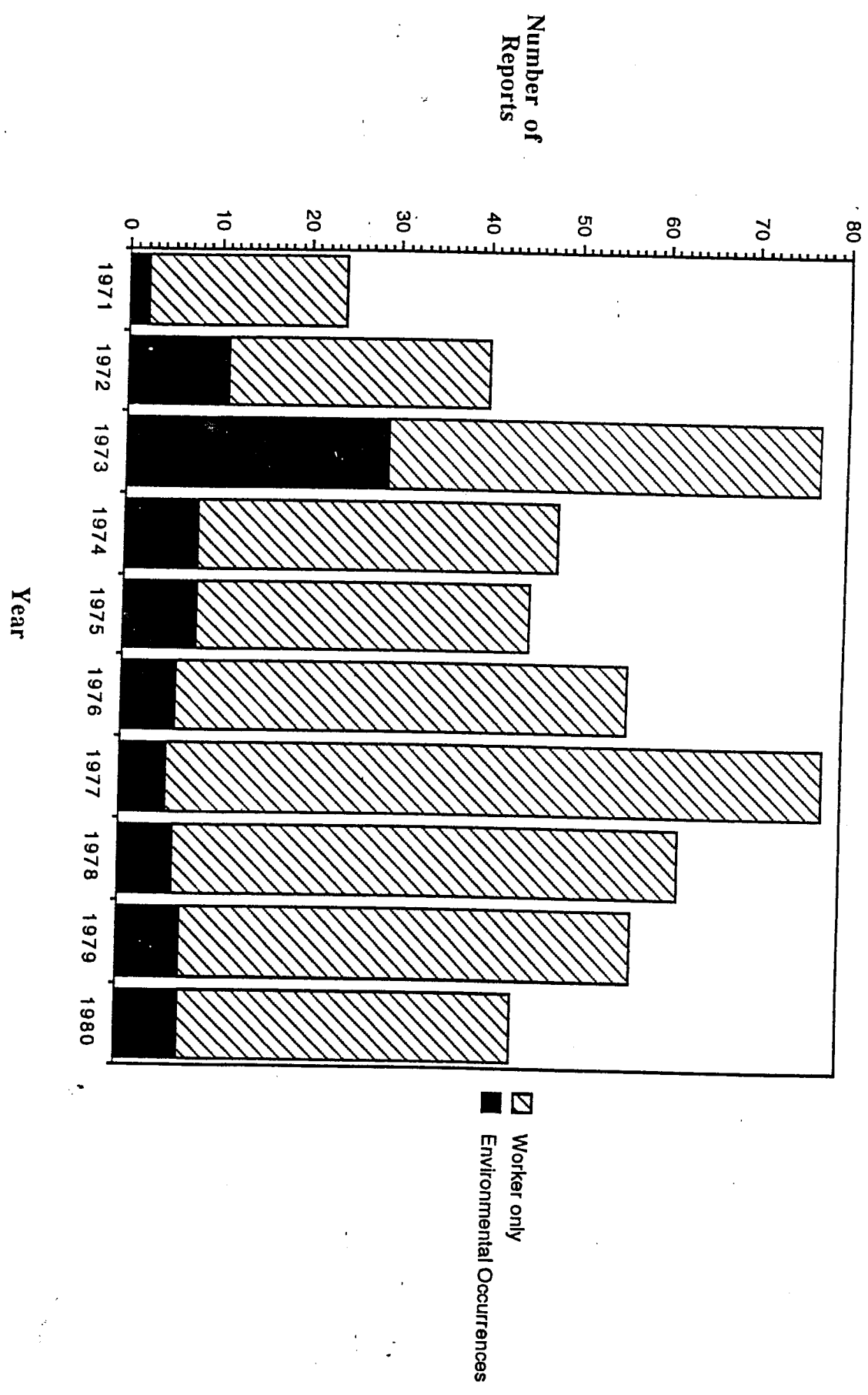
IN MID 1940'S I WAS REQUIRED TO MACHINE BERYLLIUM, NO SAFEGUARDS WERE PROVIDED.

LASL INDUSTRIAL MEDICAL GROUP - H-2, FOLLOWED ME FOR ALL THE INTERVENING YEARS, FROM MY EXPOSURE TO BERYLLIOSIS, UNTILL THEY REFERRED ME TO DR. MARY MOSTYN, PULMONARY SPECIALIST, AT LOVELACE CLINIC, ALB. N.M. IN 1970 SHE INFORMED ME THAT LOVELACE HAD NOTED THE FIBROTIC CONDITION ON THEIR X-RAYS OF ME IN 1962 AND THAT SHE COULD SEE THE CONDITION EARLIER THAN 1962 ON X-RAYS OBTAINED FROM H-2 OF LASL. THIS MEANS I LOST MORE THAN NINE YEARS OF MEDICAL TREATMENT OF AN INSIDIOUS, LATENT, PROGRESSIVE, DIBALITATING, SOMETIMES FATAL INDUSTRIAL DISEASE THAT IS TREATABLE BUT NOT CURABLE.

1-22-71 OPEN LUNG BIOPSY PERFORMED. 3-3-71 CHEMICAL ANALYSIS YELDED DEFINITIVE DIAGNOSIS; BERYLLIOSIS AND SILICOSIS. (H-2 OPPOSED DOING BIOPSY)

MY ATTORNEY TOLD ME THAT BERYLLIOSIS HAD BEEN QUIETLY ADDED TO N.M. WORKERS COMP. AND INCLUDED A STATUTE OF LIMITATION. 11-17-71, BECAUSE THE U.O.F.C. & THEIR INSURER REFUSED TO WAIVE THE STATUTE OF LIMITATION, MY ATTORNEY FILED A COMPLAINT WITH N.M. WORKERS COMP. (U.O.F.C. H-2 OPPOSED MY PROCEEDING WITH CLAIM.) 2-27-76, JUST DAYS BEFORE CLAIM WAS TO BE ~~HEARD~~ HEARD, AN OFFER OF SETTLEMENT WAS MADE STIPULATING \$25,000⁰⁰ MAX. FOR MEDICAL AND COMP. OF \$48⁰⁰ A WK. FOR 500 WKS. (THIS \$24,000⁰⁰ IS 10% OF MY EXPECTED INCOME TO 65) OFFER WAS ACCEPTED UNDER DURESS OF STATUTE OF LIMITATIONS.

Figure Number of Occurrence Reports by Year, 1971-1980



#175

TABLE E-XXIX

QUANTITIES OF VOLATILE CHEMICALS AND COMPRESSED
GASES USED AT LOS ALAMOS
(All amounts in kg)

| | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 |
|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Acids | | | | | | | | | |
| ✓ Acetic | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| → ✓ Hydrochloric | -- | -- | -- | -- | -- | -- | 410 | 220 | 190 |
| → Hydrofluoric | -- | -- | -- | -- | -- | -- | 3 700 | 4 200 | 5 400 |
| → Nitric | -- | -- | -- | -- | -- | -- | 8 100 | 6 400 | 170 |
| → Perchloric | -- | -- | -- | -- | -- | -- | 80 000 | 58 100 | 71 900 |
| → Phosphoric | -- | -- | -- | -- | -- | -- | 390 | 140 | 290 |
| → Sulfuric | -- | -- | -- | -- | -- | -- | 710 | 450 | 320 |
| | | | | | | | 1 700 | 2 300 | 1 800 |
| Gases | | | | | | | | | |
| ✓ Ammonia | 4 200 | 2 700 | 3 200 | 2 600 | 2 600 | 2 900 | 3 000 | 2 500 | 2 600 |
| ✓ Carbon Monoxide | -- | -- | -- | -- | 4 900 | 6 200 | 9 300 | 5 500 | 4 800 |
| ✓ Chlorine | -- | -- | -- | -- | 500 | 680 | 500 | 640 | 1 100 |
| ✓ Freon 12 | -- | -- | -- | -- | 2 500 | 3 400 | 2 800 | 2 000 | 2 100 |
| → Hydrogen Fluoride | -- | -- | -- | -- | 1 300 | 950 | 360 | 500 | 1 300 |
| ✓ Nitrogen Oxides | -- | -- | -- | -- | 7 800 | 6 700 | 640 | 1 200 | 350 |
| ✓ Sulfur Dioxide | -- | -- | -- | -- | 120 | 290 | 160 | 110 | 150 |
| → Sulfur Hexafluoride | 17 400 | 6 700 | 10 300 | 11 400 | 12 200 | 13 700 | 9 200 | 11 400 | 6 900 |
| Inorganic Chemicals | | | | | | | | | |
| ✓ Ammonium Hydroxide | -- | -- | -- | -- | -- | -- | -- | 2 200 | 1 600 |
| ✓ Mercury | -- | -- | -- | -- | 500 | 290 | 180 | 140 | 140 |
| Organic Chemicals | | | | | | | | | |
| ✓ Acetone | 18 800 | 9 200 | 12 400 | 16 100 | 15 500 | 12 700 | 10 600 | 8 300 | 7 900 |
| ✓ Carbon Tetrachloride | 300 | 290 | 250 | 100 | 250 | 230 | 200 | 280 | 100 |
| ✓ Chloroform | 360 | 250 | 500 | 380 | 370 | 190 | 160 | 200 | 310 |
| Ethanol | -- | -- | -- | -- | -- | 9 200 | 10 900 | 9 900 | 9 400 |
| → Freons | 10 900 | 13 300 | 15 000 | 10 200 | 12 400 | 13 800 | 8 200 | 9 200 | 12 800 |
| → Kerosene | 8 100 | 5 000 | 5 900 | 4 800 | 4 600 | 4 400 | 3 800 | 4 100 | 5 800 |
| → Methanol | 590 | 540 | 1 500 | 1 700 | 6 600 | 4 300 | 2 600 | 3 300 | 2 400 |
| ✓ Methylene Chloride | 820 | 820 | 310 | 1 000 | 820 | 2 200 | 250 | 170 | 180 |
| → Methyl Ethyl Ketone | -- | -- | -- | 2 300 | 9 400 | 10 600 | 14 300 | 22 000 | 11 400 |
| ✓ Perchloroethylene | 3 400 | 680 | 1 000 | 820 | 680 | 1 000 | 1 400 | 340 | 1 400 |
| ✓ Toluene | 2 300 | 2 100 | 1 200 | 2 700 | 3 300 | 1 600 | 2 100 | 2 100 | 650 |
| Trichloroethane | 25 600 | 18 300 | 25 800 | 22 900 | 34 000 | 28 300 | 24 100 | 23 800 | 28 200 |
| ✓ Trichlorobethylene | 20 400 | 15 500 | 16 200 | 9 400 | 13 200 | 10 200 | 7 400 | 6 900 | 3 400 |

Metals

Solder

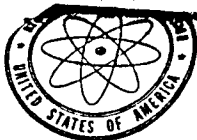
Explosives

General interest to

solvents

acids

irritant gases

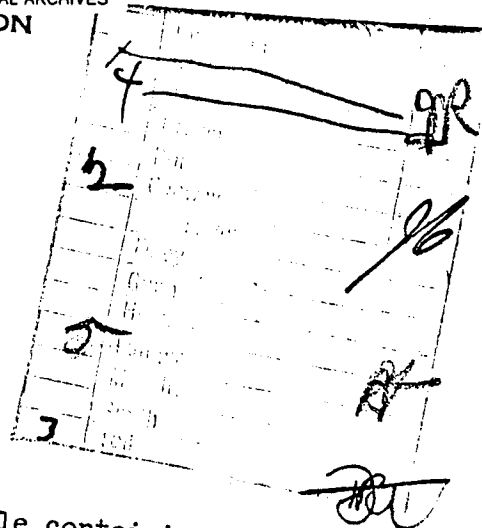


JAN 19 2 01 PM '60

WASHINGTON 25, D. C.

JOINT COMMITTEE ON
ATOMIC ENERGY

JAN 19 1960



Mr. James T. Ramey
Executive Director
Joint Committee on Atomic Energy
Congress of the United States

Dear Mr. Ramey:

At 9:20 a.m. MST, January 15, 1960, a glass bottle containing a plutonium solution ruptured violently in a research laboratory room at LASL. The solution was in a glass bottle in a sealed plastic bag set in a stainless steel carrying can which was sitting on a laboratory bench. No one was within ten feet of the bottle when it ruptured.

There were no personnel wounds and no significant body contamination. Three men showed nose counts:

| <u>Name</u> | <u>Disintegrations per Minute</u> |
|-------------|-----------------------------------|
| [REDACTED] | 24,000 |
| [REDACTED] | 9,500 |
| [REDACTED] | 5,300 |

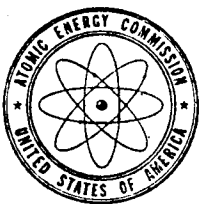
Bio-assay procedures were carried out on the exposed individuals over the weekend. Results are not yet available and will be reported later.

The laboratory room was contaminated in excess of 40,000 disintegrations per minute per 50 square centimeters. Decontamination will take at least a week. Estimated loss due to clean up and material loss is about \$1,000.

Sincerely yours,

Dwight Ink
for General Manager

14791



IN REPLY REFER TO:
MAPR:PRW

~~SECRET~~
UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON 25, D. C.

This document consists of 1 pages
No. 1 of 1 Copies, Series 11

OCT 13 1960

*Rec'd 10-13-60
3 p.m.*

Mr. James T. Ramey
Executive Director
Joint Committee on Atomic Energy
Congress of the United States

*NND 922015
H.M./RS*

7-11-94

Dear Mr. Ramey:

At about 8:50 p.m. on October 7, 1960, a radiation exposure incident involving three Albuquerque Operations' couriers occurred during the transporting of one tritium reservoir with squib valve attached from Medina Base, Texas, to Los Alamos, New Mexico. The reservoir was part of the residue from the recent Bomarc accident at McGuire, Air Force Base.

*Don't know
info on this?
Hys #6391*

The tritium reservoir was not packaged in the normal tritium bottle transport cylinder because the squib valve was attached. A metal drum of about 9 gallon capacity was substituted. The bottle at all times was handled as if full. All monitoring and packaging routines were accomplished and the package was certified as safe by the Mason and Hanger Safety Department. The couriers were advised that they were handling tritium and instructed to monitor continuously with the meter set to the most sensitive scale.

Transportation was by government station wagon. During the evening meal stop at Carlsbad, N. M., all couriers left the vehicle (one remained on alert outside) and the windows were rolled up. At this time the sniffer alarm sounded. Several checks were made during the following 30 minutes using two different instruments. Alarms went off on both when left for 10 minutes in the vehicle with doors and windows closed. The vehicle was moved to the far corner of a large parking lot away from other cars and the windows were opened. ALO was notified and dispatched a closed one-ton van-type truck and additional monitoring equipment.

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AUTHORITY: DOE-DPC
BY R. E. O'BRIEN, DATE:

*12/88
H.M./RS*

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Mr. James T. Ramey

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The container was then transferred to the van-type truck and transported to Los Alamos. The truck body was monitored hourly at the rear door but was not entered. All readings were negative. When the truck was opened by LASL and monitored immediately the results were negative.

The three couriers involved were relieved at Carlsbad, N. M., and returned to Albuquerque. Analysis of urine samples by Sandia technicians established that all three couriers had suffered slight radiation exposure but that it was well below the permissible level. There is no cause for concern and no treatment is considered necessary.

The following text was released by the Albuquerque Operations Office of Information to the Albuquerque Journal on October 9, 1960:

"Sandia Corporation Health Physicists reported Sunday that three Atomic Energy Commission couriers had received mild exposures to radioactivity while transporting radioactive material from Texas to Los Alamos, N. M. Instruments carried by one of the men indicated that radioactive material had escaped accidentally from a sealed container carried in a station wagon. The material was transferred to a truck and taken to Los Alamos without further incident. Analysis at Sandia Laboratory showed that the men had received only a fraction of the permissible level of exposure."

Sincerely yours,

Art. Anderson, Col.

for Alfred D. Starbird
Major General, USA
Director of Military Application

~~SECRET~~